



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

April 30, 2020

Michael Aten
2685 S. Dayton Way #12
Denver, CO 80231

Re: Freedom of Information Act Request –Closing Out Requests for Failure to Provide Assurance of Payment for # EPA-HQ-2020-001887; EPA-HQ-2020-001888; EPA-HQ-2020-001889; EPA-HQ-2020-001890; EPA-HQ-2020-001891; EPA-HQ-2020-001892; EPA-HQ-2020-001893; EPA-HQ-2020-001894; EPA-HQ-2020-001895; EPA-HQ-2020-001896; EPA-HQ-2020-001937; EPA-HQ-2020-001938; EPA-HQ-2020-001939; EPA-HQ-2020-001940; EPA-HQ-2020-001941; EPA-HQ-2020-001942; EPA-HQ-2020-001943; EPA-HQ-2020-001944; EPA-HQ-2020-001945; EPA-HQ-2020-001946

Dear Mr. Aten:

This letter concerns the above-referenced Freedom of Information Act (FOIA) requests, received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on December 23, 2019, and December 30, 2019, in which you are seeking the following records, with attachments for each request:

“For each of the contracts listed in Attachment I hereto and identified by procurement instrument identifier (PIID), parent award identifier (PAID), approximate commencement date, contracting office, contractor name and DUNS number, and, where known, solicitation identifier, please provide, to the extent not exempted from disclosure by statute: 1) a copy of the contract; 2) a copy of the contractor’s successful bid, proposal, or quote; 3) a copy of the solicitation, request for proposals, or RFQ in response to which the contractor’s bid, proposal, or quote was submitted; and 4) copies of any other bids, proposals, or quotes submitted in response to such solicitation, request for proposals, or RFQ. Please produce responsive records in electronic format. A waiver of the fees associated with such production is being requested. Should such waiver be denied, I agree to pay fees of up to \$25.00, and in the event the amount of fees is anticipated to exceed such amount, I request that I be provided with an estimate of production costs.”

EPA made multiple attempts to contact you by email to discuss these requests, but you did not reply to EPA’s emails. Each of the above-referenced requests were placed on hold because we needed to speak with you to better understand the requests and to discuss the time

and costs associated with processing them. EPA received your requests for fee waiver and EPA sent letters to you on April 6, 2020 denying your applications for fee waiver on the grounds that you had not met the standard for waiver of applicable fees.

On April 13, 2020, EPA sent you an estimated of the costs for EPA to process each request referenced above. EPA's estimated processing costs exceeded the assurance of payment you provided when you submitted the requests. EPA's April 13, 2020 letter requested an assurance of payment from you for the identified estimated processing costs, and it notified you that if EPA did not receive a response from you by April 27, 2020, EPA would close the requests because EPA is unable to process the requests without an assurance of payment for the estimated costs.

As of the date of this letter, EPA has not received a response from you. Therefore, I am issuing a final determination and closing your requests. If you would like to resubmit a Freedom of Information Act request, please refer to the instructions available on EPA's FOIA website at: <https://www.epa.gov/foia>.

This letter concludes EPA's response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., Room 5315, Washington, DC 20460. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek assistance from the EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; e-mail, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; and facsimile, (202) 741-5769. For all media inquiries, please contact EPA's Office of Public Affairs at press@epa.gov.

Respectfully,

Timothy R. Epp
Associate General Counsel
National FOIA Office